IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6461 of 2005

Between:

Md.Ayub, S/o.Taruddin,
R/o.Tummanpet village, Balmoor Mandal,
Mahaboobnagar District.

..... PETITIONER

AND

The Secretary,

Regional Transport Authority,

Mahaboobnagar, Mahaboobnagar Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of certiorari, to call for the records pertaining to the impugned demand notice dt.15-2-2005 vide R.No.0153/2005 issued by the respondent and quash the same as illegal, arbitrary, unjust, unfair and contrary to Law, besides violative of principles of natural justice and consequently direct the respondent herein to forthwith release all the original documents pertaining to the vehicle bearing Reg.No.AP-24-U- 9678 to the petitioner.

Counsel for the Petitioner: Mr. A.VISHNU VARDHAN REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following :

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ORDER:

Assailing the demand notice dated 15-02-2005 issued by the Regional Transport Authority the present Writ Petition has been filed.

2. The only point raised in this Writ Petition is that without giving any show cause notice with regard to the penalty in respect of the vehicle bearing No.AP-24-U-9678, the demand made by the respondent to pay the balance amount of Rs.35,100/-, is illegal, arbitrary and violative of principles of natural justice.

3. We have heard the learned counsel for the petitioner and the learned Government Pleader.

4. As can be seen from the demand notice, no show cause notice with regard to penalty was issued. However, it is stated that a sum of Rs.21,600/- has been paid towards quarterly tax pertaining to the period from 30-06-2004 to 31-03-2005. Under those circumstances, we find that the order relating to demand notice dated 15-02-2005 is illegal and unsustainable under law. Therefore, the writ petition is disposed of directing the respondent-Regional Transport Authority to issue fresh show cause notice with regard to penalty and pass appropriate orders in accordance with law. If the documents are already in possession of the authorities, they may be released to the petitioner pending final orders as directed above.

5. With the direction indicated above, the Writ Petition is accordingly disposed of. No order as to costs.

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G.BIKSHAPATHY,J

P.S.NARAYANA,J

5th April, 2005.

Tsy/es

To

1. The Secretary,

Regional Transport Authority,

Mahaboobnagar, Mahaboobnagar Dist.

2. Two CCs to the GP for Transport, High Court Buildings,

Hyderabad (O.U.T.).

3. Two CD Copies.